



City of Seattle

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Number: 3012758

Applicant: Anita Lehmann, Architect

Address of Proposal: 3217 11th Avenue W

SUMMARY OF PROPOSAL

Land Use Application to allow a 96 square foot deck accessory to a single family residence.

The following approval is required:

Variance – to allow a deck to extend into the rear yard. (SMC23.44.014)

SITE AND VICINITY

Site Location: The site is located on the west side of 11th Avenue West, north of West Dravus Street

Zoning: Single Family 5000.

Parcel Size: 2,702.25 square feet.

Existing Use: Single family residence.

Proposal: The proposal is to construct a second story deck providing access from the main living area (dining room, living room, and kitchen) of the existing home to the rear yard located on the western portion of the site. The deck will measure eight feet in depth 12 feet in width

and is located along the western façade of the residence. The required rear yard is 12 feet measured from the west property line. The deck will extend eight feet into the rear setback. The deck will be located 8.6 feet above existing grade. The proposed deck will occupy 17 percent of the required rear yard.

Public Comment: The public comment period ended on February 8, 2012. One comment letter was received.

ANALYSIS – VARIANCE (SMC 23.40.020)

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below are found to exist:

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;***

The site has several unusual conditions which include to its size, shape and topography which were not created by the owner or applicant. The subject site is located in a Single Family 5000 zone. The minimum lot area for this zoning designation is 5000 square feet. The site measures approximately 2,702 square feet which is substantially smaller than most of the properties on the 11th Avenue West Block front. Lots located north of the subject site on the same block face average 6,194 square in size. The four properties located south of the subject site are less than 5,000 square feet in size. The smallest measures 2,919 square feet and the largest 4,825 square feet. Lots located on the east side of 11th Avenue West average approximately 5,576 square feet in size, with the largest measuring 7,456 square feet and the smallest 4,633 square feet.

The depth of the subject site is also much smaller than properties located on the 11th Avenue West Block face. All the lots on the west block face, except for the subject site and the lot immediately south of the subject site; have a lot depth of 120 feet. The lots are considered through lots with 20 foot front yards measured from both 11th and 12th Avenue W. Subtracting yards from the lots permits a building area of 80 feet in depth compared to the building area of the subject site which is 33 feet after subtracting the required rear and front yards.

The general vicinity and the site in particular slopes from the northeast to the southwest. The subject site slopes approximately 20 percent with the high elevation at the street front and the low elevation at the west property line. The narrow rear yard is located at the lowest elevation of the site and is shaded by existing structures located on adjoining properties and the existing house on the subject site.

The applicant is proposing to construct a rear yard deck which is a right and privilege enjoyed by many of the single family residences in the vicinity of the subject site as documented in the application materials. Decks which are located outside of yards are permitted, however decks within the rear yard are limited to below 18 inches in height. In order to gain light and air and to enjoy the rear yard from the main living area of the house the deck is located on the main level which is located eight feet above grade due to the sloping site. Due to the larger area and depth of the surrounding lots these sites enjoy larger yards and gain greater light and air. The subject site due to its smaller size and depth has limited yards and reduced light, air and open space. The applicant has shown that due to the size, shape and topography that the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity. Therefore criterion one has been met.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

The requested variance does not go beyond the minimum necessary to afford relief. The height of the deck aligns with the existing main level of the single family residence- the minimum necessary to provide access to the rear yard from the general living areas of the residence. The depth of the deck is eight feet and the width is 12 feet. The deck is to be used for access and enjoyment to light, air and open space. It is reasonable that users have the ability to sit, eat and congregate on the deck. The 96 square foot deck can accommodate a table, chairs and plantings. The area of deck will occupy 17 percent of the total rear yard and does not go beyond the minimum necessary to afford relief.

The single family zone allows for accessory uses and structures within a rear yard; however these uses are regulated in order to mitigate bulk, scale and intrusion into adjoining yards. In order to mitigate impacts to adjoining properties and be consistent with limitations upon other properties structural elements have been added to the deck to decrease impacts to the privacy of the adjacent rear yards. Approval of the variance does not grant a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located. Therefore criterion two has been met.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;*

The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvement in the zone or vicinity in which the subject property is located. The Applicant has mitigated the deck to limit a visual intrusion into the neighboring rear yard on the west. An overhead arbor and screening along three sides with an extended screen along the west side of the deck will still allow light and air onto the deck but will decrease sound and visual intrusion into the adjoining property. The deck is setback 29 feet from the north property line providing adequate mitigation to the property on the north and on the property

to the south a detached garage is located in the northwest corner of the rear yard adjacent to the subject site's southwest property line. Therefore criterion three has been met.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;*

As discussed under Criterion one, the literal interpretation and strict application of the applicable requirements of the Land Use Code would cause undue hardship by not allowing the property owner to have access to light, air and open space. Due to size, shape and topography of the site strict application of the applicable provisions of the land use code would cause practical difficulties. Therefore criterion four has been met.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use regulations for the area.*

Rear yards provide for adequate light, air, and open space. By permitting the deck it will allow the property owner benefits of the rear yard. As mitigated it will ensure that surrounding properties are protected. Thus the requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use regulations for the area. Therefore criterion five has been met.

DECISION - VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered criteria above are found to exist. Based on the above analysis, DPD concludes that the requested variance as conditioned meets the numbered criteria. Therefore the requested variance is **Approved as shown on plan set sheets date stamped April 20, 2012.**

CONDITIONS - VARIANCE

For Life of Project

1. The deck shall substantially comply with plan set sheets date stamped April 20, 2012.

Signature: _____ (signature on file)
Stephanie Haines, Senior Land Use Planner
Department of Planning and Development

Date: May 17, 2012

SLH:drm

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